

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ESTHER KEELING,

Plaintiff,

v.

HILTON CONVALESCENT HOME  
AND ASSOCIATES, LLC,

Defendant.

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Case No. 07-12612

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND DISMISSING CASE**

Presently before the Court is the report issued on September 25, 2007 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss the plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(1) for want of jurisdiction. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 18] is **ADOPTED**.

It is further **ORDERED** that the above-captioned action is **DISMISSED** for want of jurisdiction.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: October 23, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 23, 2007.

s/Felicia M. Moses  
FELICIA M. MOSES